

## REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1-50 are pending in the application. Claims 1, 4, 5, 14, 17, 23, 27, 28, 30, 31, and 33 have been amended. No claims have been canceled. Claims 35-50 have been added. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned **“Version with markings to show changes made.”**

### Rejections under 35 USC §112

Claims 4, 14, 17, 27, 28, 31, and 33 were rejected for having relative terms that render the claims indefinite. Applicants respectfully submit that claims 4, 14, 17, 27, 28, 31, and 33, as amended, satisfy the requirement of 35 USC §112, second paragraph and respectfully requests the withdrawal of the rejections of the claims.

Claims 5 and 30 were rejected for reciting various limitations that lack sufficient antecedent basis for the limitation in the claims. Applicants respectfully submit that claims 5 and 30, as amended, satisfy the requirement of 35 USC §112, second paragraph and respectfully request the withdrawal of the rejections of the claims.

Claim 29 was rejected for reciting the limitation “notification means” which is not found in parent claims 26 and 1. However, “the notification means” is introduced by the “notification means” which begins the first element in claim 29. Given, “the notification means” has sufficient antecedent basis, Applicants respectfully requests withdrawal of the rejection of the claim.

The Office Action states that claims 4, 8, 12, 13, 14, 18, 19, 20, and 21 were rejected under 35 USC 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding these claims, the word “means” is preceded by various non-functional word(s) in an attempt to use a “means” clause to recite a claim element as a means for performing a specified function. However, since no function *[function]* is specified by the word(s) preceding “means,” it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph.”

The Applicants respectfully traverse this rejection. The Office Action appears to conclude that a means plus function claim must be in the form of *[function] means*. However, MPEP §2181, clearly states that “[w]hile traditional “means for” or “step for” language does not automatically make an element a means(or step) plus-function element, conversely, lack of such language does not prevent a limitation from being construed as a means-(or step) plus function limitation.” The MPEP §2181 goes on to provide an example that “printing means” and “means for printing” have the same connotations. Furthermore, the Applicants submit that the written description of the application adequately describes the corresponding structure, material, or act necessary to support the claim limitations to particularly point out and distinctly claim the invention as required by 35 USC 112, second paragraph, for each of the claims 4, 8, 12, 13, 14, 18, 19, 20, and 21. Accordingly, the Applicants respectfully request the withdrawal of the rejections under 35 USC §112 for these claims.

### **R ejections under 35 USC 103**

Claims 1-34 were rejected under 35 USC 103(a) as being unpatentable over King et al (US Patent 5,319,542) in view of Gardner (US Patent 5,758,327), and further in view of Lemble (US Patent 5,315,504).

The Applicants submit that claim 1, as amended, is patentable over the 103(a) rejection because the combined references do not teach each and every element, as claimed. Specifically, claim 1, as amended, includes a limitation of a commentary entry that allows the appropriate individuals in the procurement chain to better understand a requisition record and ultimately approve the requisition record. The combination of King, Gardner, and Lemble do not teach or suggest that a requisition record could have a commentary entry. This is because the references do not address exceptions to pre-defined rules, such as when a requisition record should be approved although, for example, the requestor does not have the necessary signature authority, or the requestor does not have the necessary purchasing authority. The commentary entry, as claimed, may be used, for example, in these and other extenuating circumstances to help the approver understand why the request was made and based on this commentary entry, approve the requisition. The combination of these prior art references fails to teach or suggest this limitation.

Accordingly, Applicants submit that claim 1 is not obvious over King, Gardner, and Lemble under 35 USC 103(a) and respectfully request the withdrawal of the rejection to claim 1 and to claims 2-34 that are dependent on claim 1.

*Conclusion*

Applicants respectfully submit that the rejections have been overcome by the amendments and remarks, and that the Claims, as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the Claims as amended be allowed.

*Invitation for a telephone interview*

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

*Charge our Deposit Account*

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

*In the Claims:*

Claims 1, 4, 5, 14, 17, 23, 27, 28, 30, 31, and 33 have been amended as follows:

1. (Amended) A software system for efficient procurement of operating resources within resources within an enterprise, comprising:  
requisition record generating means for generating a requisition record for a requisition, the requisition record indicating at least an operating resource that a requester desires to purchase, the requisition record generating means generating the requisition record responsive to a combination of:  
input by a requestor including a commentary entry describing a purpose for indicating the operating resource to the requisition record; and  
operating resource information in an operating resource information database;  
approval path determining means, responsive to the requisition record to approval rules in a n approval rules database, for determining an approval path for the requisition record, among various ones of a plurality of possible approvers, required to approve the requisition record based on the commentary entry;  
approval path handling means for guiding the requisition record along the determined approval path, wherein the approval path handling means

generates a global approval indication based on the commentary entry and in response to the requisition record successfully traversing the approval path.

4. (Amended) The system of claim 2, wherein the order generating means includes means for determining a method of communicating the order to the supplier[, responsive to a supplier database].

5. (Amended) The system of claim 1, wherein the approval path [handling means] determining means determines the approval path for the requisition record at least in part in response to a purchase amount field in the requisition record.

14. (Amended) The software system of claim 1, and further comprising:  
adaptor means for retrieving data from a legacy database program;  
wherein the requisition record generating means completes fields of the requisition record using the data retrieved from the legacy database program[, whereby avoiding duplication of data already available].

17. (Amended) The software system of claim 16, wherein the adaptor means includes means for interacting to the legacy database program [on a periodic basis] at specified time intervals.

23. (Amended) The software system of claim 1, wherein:  
the approval rules database includes an order definition of which[, if any,  
required] approvers [must] approve the requisition serially and which[, if any,  
may] approvers approve the requisition in parallel; and  
the approval path handling means operates responsive to the order definition.

27. (Amended) The software system of claim 26, wherein:  
the approval path handling means includes non-response handling means,  
responsive to an amount of time during which the requisition is at a particular  
position in the approval path without any action being taken by the approver at  
that position, for moving the requisition to another approver who has a  
[predetermined] relationship [to] with the approver who took no action.

28. (Amended) The software system of claim 27, wherein:  
the [predetermined] relationship is indicated by chain of command data defined  
in an ERP database, and  
the system further includes an ERP adaptor for accessing the chain of  
command data from the ERP database.

30. (Amended) The software system of claim 26, wherein:

the action taken by the approver at the particular location in the approval path further includes:

modifying at least a portion of the requisition record; and

the approval path handling means includes modification response means, operating in response to an approver modifying a requisition, for causing the approval path determining means to determine a replacement approval path, responsive to the modified requisition.

31. (Amended) The system of claim 1, wherein the approval path handling means includes non-response handling means, responsive to a request from the requestor, for moving the requisition from a first approver who has taken no action to a second approver who has a [predetermined] relationship to the approver who took no action.

33. (Amended) The system of claim 31, wherein the [predetermined] relationship is at least [partially] defined in the approval rules.

*Claims 35-50 have been added:*

35. (New) A machine-readable medium having a set of executable instructions to cause a machine to perform a method for facilitating electronic commerce, the method comprising:

querying a user about a purchasing decision via a user interface, wherein the user is to reply to the query by selecting one or more requisition information selections from a user interface;

receiving the selected requisition information;

presenting additional requisition information selections to be selected via the user interface based on the previously selected requisition information until a termination criteria has been met; and

generating automatically an electronic requisition form based on the selected requisition information, the selected requisition information to include a item description of an item being offered by at least one of a plurality of suppliers.

36. (New) The machine-readable medium of claim 35, wherein the selected requisition information includes favorite frequently-ordered items.

37. (New) The machine-readable medium of claim 35, wherein the user interface is a web-browser.

38. (New) The machine-readable medium of claim 35, wherein the presenting additional information includes presenting specific accounting information based on the supplier associated with the item selected.

39. (New) The machine-readable medium of claim 35, wherein the selected requisition information includes shipping information.

40. (New) A machine-readable medium having a set of executable instructions to cause a machine to perform a method for facilitating electronic commerce, the method comprising:  
generating an electronic requisition form to be delivered to at least one of a plurality of suppliers, the electronic requisition form to include commentary to explain a purpose of the electronic requisition form.

41.(New) The machine-readable medium of claim 40, wherein the commentary is based an item to be purchased from one of the plurality of suppliers.

42. (New) The machine-readable medium of claim 40, wherein the commentary is visible only to a user having approval authority.

43. (New) The machine-readable medium of claim 41, wherein commentary is editable by the user having approval authority.

44. (New) The machine-readable medium of claim 41, wherein the commentary uses threading to maintain context.

45. (New) The machine-readable medium of claim 40, wherein the commentary includes an electronic document attached to the electronic requisition form.

46. (New) A machine-readable medium having a set of executable instructions to cause a machine to perform a method for facilitating electronic commerce, the method comprising:

generating an electronic receipt to acknowledge receiving an ordered item, wherein the ordered item was ordered via an electronic requisition form; and

automatically transmitting the electronic receipt to a purchasing agent.

47. (New) The machine-readable medium of claim 46, wherein the electronic receipt includes an indication that the ordered item is rejected.

48. (New) The machine-readable medium of claim 47, wherein the electronic receipt includes commentary from the receiver of the item explaining why the ordered item is rejected.

49. (New) The machine-readable medium of claim 46, wherein the electronic receipt acknowledges receiving all the items ordered in a previously submitted electronic requisition form.

50. (New) The machine-readable medium of claim 46, wherein the electronic receipt includes an indication that the ordered item is accepted to trigger a payment for the ordered item.